

REMARKS

Allowable Subject Matter

In the Office Action at paper number 0123, paragraph 3, the Office Action states that claims 16 and 17 are allowed and that claim 13 stands objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Examiner is thanked for the allowance of claims 16 and 17.

The Examiner is thanked for the allowance of the subject matter of claim 13.

Claim 8 has been amended to further particularly point out and distinctly claim subject matter regarded as the invention. Specifically, claim 8 includes the subject matter of allowable claim 13 and the base claim 8, thus is now allowable.

Claim 13 has been cancelled, without prejudice.

The amendments here presented are made for the purposes of better defining the invention, rather than to overcome the rejections for patentability. Support for the amendments herein presented can be found in the specification and claims as filed. No new matter has been introduced as a result of the amendments. Reconsideration and allowance is respectfully requested in view of the amendments and the following remarks.

The 35 U.S.C. § 103 Rejections

Claims 8-10, and 14-15 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kretzner (U.S. Patent No. 1,957,143) in view of Groulx (U.S. Patent No. 2,129,129) and Carabias (U.S. Patent No. 933,360).

In the Office Action at paper number 3, paragraph 2, the Office Action asserts that Kretzner discloses all that is recited in the claims. Asserting that character "a" corresponds to the claimed "lower chamber member"; character "c" corresponds to the claimed "bowl portion"; character "z" corresponds to the claimed "vapor intake orifice"; characters "e"/"f"/ tubular part of character "a" correspond to the claimed "vapor intake conduit"; character "d" corresponds to the claimed "smoking pipe conduit"; character "b" corresponds to the claimed "upper chamber member") except it may not specifically

disclose a lower screen member disposed in the bowl portion of the lower chamber and a generally-conical-shaped heat intake conduit. The Office Action further asserts that Groulx discloses a screen for tobacco pipes which is adapted to be inserted into the bowl of a tobacco pipe for holding tobacco clear from the bottom of the pipe bowl (see figs). The Office Action further asserts that therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the bowl of Kretzner to include the metal screen of Groulx in order to prevent tobacco particles from being drawn into the mouth, and also from plugging or clogging the passage through the stem and through which the smoke is drawn, as taught in Groulx (see page 1, col. 1, lines 12-16). The Office Action also asserts that while the device of Kretzner modified by Groulx may not disclose an upper chamber member including a generally-conical-shaped heat intake conduit, Carabias discloses an inhaler in the form of a smoking pipe which has a bowl B, the outlet of which is shaped in a generally conical manner (see fig. 3). The Office Action asserts that therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to modify the outlet portion of the upper chamber member of Kretzner (which would obviously be adapted to accept an output from a heat source such as a match or heat gun) such that it resembled the cone shape outlet of the pipe in Carabias since a pipe having a bowl outlet of said shape is known in the tobacco art as evidence by the disclosure of Carabias. The Office Action further asserts that while there may be no articulation, in the combined references, that the lower and upper chambers are mated in a substantially airtight manner, it follows that this is the case since the chambers are joined in such a manner where in they are mated by external/internal threads on the surfaces of the respective members, such threading being conventional means in which to secure/connect two pieces in an airtight manner. The Office Action further asserts regarding claim 15, that while the device of the combined references may not have the exact threaded structure of that claimed, this limitation is not deemed to patentably distinguish the claim from the reference as the surfaces utilized to mate the two members together are obvious modifications since it is well known to utilize these means in securing items together - whether the threading is located on the exterior or

interior of the respective pieces. Applicant respectfully disagrees with the assertions in the Office Action.

The Office Action has asserted that the subject matter of claim 13 is allowable if rewritten in independent form including all of the limitations of the base claim. Claim 13 has been canceled and the allowable subject matter of claim 13 has been added into base claim 8. Therefore, claim 8 is now allowable over the prior art. Thus, the rejection is now moot.

In view of the foregoing, it is respectfully requested that the rejection be withdrawn and it is respectfully asserted that the claims are now in condition for allowance.

Dependent Claims

The argument and evidence set forth above is equally applicable here. Since the independent Claim 8 is allowable, then the dependent Claims 9-10, and 14-15 must also be allowable. If an independent claim is nonobvious under 35 U.S.C. § 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 U.S.P.Q. 2d 1596 (Fed. Cir. 1988).

In view of the foregoing, it is respectfully requested that the rejection be withdrawn and it is respectfully asserted that the claims are now in condition for allowance.

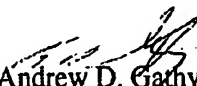
Request for Allowance

It is believed that this Amendment places the above-identified patent application into condition for allowance. Early favorable consideration of this Amendment is earnestly solicited.

If, in the opinion of the Examiner, an interview would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney at the number indicated below.

Respectfully submitted,
Sierra Patent Group, Ltd.

Dated: Oct 13, 2003


Andrew D. Gathy
Reg. No. 46,441

Sierra Patent Group
P.O. Box 6149
Stateline, NV 89449
(775) 586-9500